

## REMARKS/ARGUMENTS

The rejections presented in the Office action dated October 4, 2004 have been considered. Claims 4-17 remain pending in the application. Reconsideration and allowance of the application is respectfully requested.

The Office Action indicated that the application does not contain an abstract as required by 37 C.F.R. §1.72(b), that informalities in the disclosure are objected to and that claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,956,650 to *Suzuki et al.* in view of U.S. Patent No. 6,301,230 to *Ito et al.*

The Applicant has amended the specification to include an abstract and to address other informalities. Applicant submits that 37 C.F.R. §1.77 does not require that all of the section headings as indicated in the Office Action be used in the manner stated. For example, 37 C.F.R. §1.77(c) indicates that “[t]he text of the specification sections defined in paragraphs (b)(1) through (b)(11) of this section, *if applicable*, should be preceded by a section heading ...” (emphasis added). In this regard, Applicant has added certain section headings to the specification, where applicable. Applicant submits that the amendments to the specification relative to such section headings overcome the objection thereto.

Applicant respectfully traverses all of the Section 103(a) rejections, each of which relies upon the ‘650 reference as a primary reference, because the Office Action failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, as indicated in the M.P.E.P., the prior art reference (or references when combined) must teach or suggest all the claim limitations. In addition, establishing a *prima facie* case of obviousness requires suggestion of motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this instance, the Office Action failed to show these criteria for establishing such a Section 103(a) rejection, as discussed below.

In making the Section 103(a) rejection, the Office Action failed to cite portions of the ‘650 or ‘230 references that teach or suggest claimed limitations including, for example, those directed to certain aspects of a synchronization signal, separate transmitter and receiver devices and receiver device activation. For instance, the cited portions of the ‘650 reference do not mention any activation in response to a synchronization signal and are generally limited

to the discussion of a single transmitter/receiver, rather than of a separate transmitter that sends signals to a receiver. Referring to the cited portion of column 4 at lines 45-60, the discussion is limited to a single transmitter/receiver device. Similarly, the discussion at the cited portion of column 7 (lines 5-25) is limited to a change over of operation from a transmission mode to a receiver mode; this change over does not involve activation associated with the synchronization signal because the device is already active. In this regard, the cited portions of the '650 reference do not teach the claimed activation limitations as asserted in the Office Action.

Applicant has further reviewed the '650 reference and cannot ascertain any teaching or suggestion of activation as claimed in the instant invention. It appears that receivers at either the base station 13 or mobile terminal 16 do not activate in response to a synchronization signal. For example, with communications from the base station 13 to the mobile terminal 16, the mobile terminal responds to a "speech communication request command 3" from the transmitter in the base station 13. *See* column 9, lines 17-44. This speech communication request command 3 is further input in a manner that is not "being added with the synchronizing signal." *See* column 9, lines 19-25. Regarding communications sent between the mobile terminal 16 the base station 13, a "speech communication admit command 4" is used to initiate a communication from the base station and, as similar to the speech communication request command 3, is distinct from any synchronization signal. *See* column 9, lines 53-57. In this regard, with either communications from the base station 13 to the mobile terminal 16, or from the mobile terminal to the base station, the synchronization signal does not include information that effects activation. Furthermore, by requiring that the synchronization signal be distinct from the request and admit commands, the '650 reference explicitly teaches away from activation with a synchronization signal.

The cited portions of the '650 reference also fail to teach or suggest that the synchronization signal includes information about the time interval between transmitted data signals. The synchronization signal in the '650 reference appears used simply to indicate the initiation of an event, such as the start of a transmission or the switching of a transmission between transmit and receive modes (*see, e.g.,* column 2, lines 55-67, cited by the Examiner).

Applicant has further reviewed the '650 reference and cannot ascertain any synchronization signal that indicates time interval information for use by a receiver.

The Office Action also appears to confuse the transmitter/receiver of the '650 reference with separate transmit and receive functions. For example, the portions of the '650 reference (column 4, lines 45-60 and column 7, lines 5-25) asserted as teaching for receiver synchronization, time interval and time period limitations relative to a transmitter that sends signals to a receiver, appear limited in discussion to the function of a base station (*e.g.*, item 13 in FIG. 1). The transmitter/receiver of the base station does not correspond to a transmitter that sends signals to a receiver in the context of the claimed invention; instead, the transmitter/receiver of the base station communicate with a separate mobile terminal (*e.g.*, item 16 in FIG. 1). That is, there is no cited discussion of any receiver synchronization relative to a transmitter sending synchronization to a separate receiver. To the extent the cited portions of the '650 reference apply to any receiver functions, those receiver functions are limited in application to functions at the base station (13) with its transmitter/receiver unit (*e.g.*, item 27a of FIG. 1), where the corresponding transmission functions are with the same unit that is carrying out receiving functions.

As acknowledged by the Examiner on page 4 of the Office Action, the '650 reference also fails to teach limitations directed to the allocation of transmitting and receiving devices via addresses in the synchronization signal. In an attempt to overcome this deficiency in the '650 reference, the '230 reference was cited for these teachings. However, the cited portions (column 13, lines 55-67 and column 14, lines 5-67) of the '230 reference do not mention any synchronization signal, much less the inclusion of addresses in a synchronization signal. Further, while certain cited figures of the '230 reference show a synchronization element, they do not appear to show addresses included in the synchronization elements. For example, the address signal in FIG. 20 is related to a paging signal, not a synchronization. In this regard, the Office Action's attempt to cite the '230 reference as teaching of limitations missing in the '650 reference fails.

Regarding dependent claim 2, the cited portion of the '230 reference (column 14, lines 5-20) does not mention a synchronization signal, nor the transmission of a synchronization signal at a halfway point during a time interval of transmitted data signals.

Regarding dependent claim 3, this same cited portion of column 14 in the '230 reference also fails to teach or suggest a synchronization approach wherein a receiver is activated until a synchronization signal is received.

In view of the above-discussed absence of various claimed limitations in the asserted combination of references, the Section 103(a) rejection fails to meet the requirement that the cited references teach or suggest all of the claimed limitations.

Applicant further submits that the Office Action's attempt to cite motivation for modifying the primary '650 fails to address the function of the modification, and thus does not exhibit evidence of motivation found in the prior art. Relevant case law indicates that, without such evidence, the Section 103(a) rejection should be removed (*see, e.g., In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999)). Specifically, the Office Action has improperly asserted that one of skill in the art would be motivated to modify the '650 reference "to determine the position of the paging signals ...." However, the '650 reference does not implement any paging signals and, thus, there is no motivation to determine any position of nonexistent paging signals. In this regard, the Office Action has failed to show how one of skill in the art would be motivated to modify the '650 reference to arrive at such an approach.

In view of the above, the Office Action has failed to establish a *prima facie* Section 103 rejection, in the context of any of the criteria discussed above required for making such a rejection. Therefore, Applicant submits that the Section 103 rejections are improper and should be removed.

Notwithstanding the above, claims 1-3 have been cancelled. To the extent that certain limitations in new claims 4-17 are similar to those present in cancelled claims 1-3, Applicant submits that any rejection of these new claims using the rationale provided in connection with the rejection of claims 1-3 would be inappropriate. Specifically, Applicant submits that new claims 4-17 are patentable over the asserted combination of the '230 reference with the '650 reference in view of the above discussion.

Furthermore, the above discussion presented in connection with the cited references merely sets forth reasons as to why the rationale presented in the Office Action fails to align and correspond to the invention as claimed in cancelled claims 1-3. No amendments were made to the claims with respect to the cited references and it is believed that, after a

careful review of the cited references, no arguments should be required to explain why the asserted combination of references is significantly different from the claimed invention.

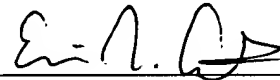
### **CONCLUSION**

Applicant respectfully submits that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance. If the Examiner believes it necessary or otherwise helpful, the undersigned attorney of record may be contacted at 651-686-6633 (x103) to discuss any issues related to this case.

Respectfully submitted,

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By:



Eric J. Curtin  
Reg. No. 47,511  
Crawford Maunu PLLC  
1270 Northland Drive, Suite 390  
St. Paul, Minnesota 55120  
(651) 686-6633